



In the United States District Court
For the Northern District of Illinois
Eastern Division

SHIRE CANADA INC., et al.)
vs.)
Plaintiffs and,)
Counterdefendants,)
ALKEM LABORATORIES, LTD.) No. 11 C 206
vs.) Judge Leinenweber
Defendant and.) Magistrate Judge Cole
Counterplaintiff.)

SCHEDULING ORDER

This matter coming upon the stipulation of all parties hereto, IT IS HEREBY ORDERED as follows:

1. Defendant and Counterplaintiff ("Alkem") shall submit a draft protective order to Plaintiffs (collectively "Shire") no later than Friday, June 10, 2011. Proposed protective order or orders are to be submitted to the Court by the parties on July 1, 2011.
2. The parties shall exchange Initial Disclosures under Fed.R.Civ.P. 26(a) on July 1, 2011. These disclosures do not include the additional Initial Disclosures set forth under Local Patent Rule 2.1.
3. Shire shall produce on July 1, 2011, all documents produced by Shire in the three related cases concerning Fosrenol ANDAs pending in the Southern District of New York, *provided, however,* that Shire shall not produce documents produced by generic manufacturers in those cases.
4. Shire shall promptly contact counsel for Johnson Matthey to seek consent of such counsel to produce Johnson Matthey's documents, including a third-party deposition of inventor Barry Murrer. ~~Shire cannot produce such documents in the absence of such consent.~~
5. Shire shall produce on July 8, 2011, all written discovery responses of Shire and all deposition transcripts of Shire witnesses in the New York litigation, *provided, however,* that to the extent such discovery responses or deposition transcripts contain information of the generic manufacturers which has been identified as confidential, such information will be redacted.

6. Shire shall produce on July 8, 2011, all written materials submitted on Markman issues, *provided, however,* that to the extent such written materials contain information of the generic manufacturers or Johnson Matthey which is identified as confidential, such information will be redacted.

7. No later than June 17, 2011, Shire shall convey information to Alkem regarding the information necessary for the production of samples (i.e., dosage forms and quantities).

8. Thirty days after Alkem produces samples to Shire, Shire shall serve Initial Infringement Contentions pursuant to LRP 2.2.

9. Thirty days after Shire serves Initial Infringement Contentions, Alkem shall serve Initial Non-Infringement, Invalidity and Unenforceability Contentions under LPR 2.3 together with accompanying document production under LPR 2.4.

10. On August 5, 2011, the parties will exchange those documents responsive to all categories set forth in LPR 2.1 which have not been previously produced.

ENTER: 

UNITED STATES DISTRICT JUDGE

Dated at Chicago, Illinois, this
10th day of June, 2011.